

CONSERVATION COMMISSION
REGULAR MEETING MAY 20, 2008
E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Igielski, Pappa, Shapiro and Shaffer present. Also present were Alternates Harlow and Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for vacant position and Alternate Harlow would vote for Commissioner Byer.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of April 15, 2008

Commissioner Igielski noted at the bottom of Page 5, Remark "F" should read "The circumstances show...was not done intentionally (initially)."

Commissioner Shaffer noted the following corrections:

- A. Page 2---ITEM VB should read "APPLICATION 2008-4...Pool at 11 (111) Cinnamon Road"
- B. Page 6---Motion in the middle of the page should read "Motion made by Commissioner Igielski to add....Swimming Pool at 11 (111) Cinnamon Road... motion was carried."

Motion made by Alternate Harlow to accept the minutes as corrected and was seconded by Commissioner Igielski. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Harlow and Pappa) and the motion was carried.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA
Election of Officers (Commission Secretary)

NOTE: Alternate Zelek arrived at 7:04 p.m.

No action was taken to fill the position.

Motion made by Alternate Turgeon to table the item over to the June meeting and was seconded by Commissioner Shapiro. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VB

Town Plan and Zoning Easements (Explanation of differences and jurisdictions between easements established by TP & Z and Wetland Commission/Conservation Commission)

Mr. Anthony Ferraro, Town Engineer, noted at past meetings, the question has been raised relative to easements approved by the TP & Z that are termed as Conservation Easements.

Mr. Ferraro noted the Conservation Commission in the past has raised the following questions relative to the previously noted easements:

- A. Who manages these easements?
- B. Can one Commission impose conditions and have another Commission administer it?

Mr. Ferraro said he reviewed the matter with Mr. Ed Meehan, Town Planner, who agreed to appear before the Commission tonight for a discussion.

Mr. Meehan entered the following historical information into the record on easements:

- A. Conservation Easements, approved by the Conservation Commission are related to Wetland Permits issued for subdivisions, condominiums and commercial developments. Their function is for the protection of the wetland and upland review areas.
- B. The TP & Z cannot not act on a pending application until it receives a report from the Conservation Commission. The report, a Certificate of Action of the Conservation Commission, is acknowledged and is made part of the approval.
- C. The easement around the perimeter of the Rockledge Subdivision (Culver Street) is a non wetland easement. The attorney, who wrote the easement in a broad nature, gave authority to the Conservation Commission to act on it.
- D. The easement around the perimeter of the Griswoldville Avenue subdivision is a tree preservation easement, where the Town of Newington is the agent, not the Conservation Commission.
- E. The easement at the Hopkins Village Development is a combination wetland and woodland with the authority given to the Conservation Commission.

F. Section 47-42 of the Connecticut State Statutes grants the rights to enforce private easements.

G. Some easements have a penalty provision.

Commissioner Pappa asked if the Town of Newington could be a party in all cases? Mr. Meehan responded it depends on who writes the easement(s).

Mr. Meehan noted that the Commission wears two (2) hats.

Chairman Block noted the Commission acts in an advisory role not enforcement. He doesn't mind doing both, but the Commission does not have the authority by ordinance.

Chairman Block said consideration could be given to the taking of an open space easement versus a Conservation easement. Criteria could be developed for evaluation.

Mr. Meehan noted the language is vague. The Town could look into how to handle it. He would get a copy of the statute to see what might be said as to authority.

Mr. Meehan said the key is who would be responsible to see what is to be done during the preparation of the easement.

There was a discussion on what has been in the past and how to approach it in the future (listen to audio tape for details).

ITEM VA

APPLICATION 2008-4, Above Ground Swimming Pool at 11 Cinnamon Road

Mr. Ferraro entered the following remarks into the record:

- A. At last month's meeting, the Commission reviewed a plan to install an above ground swimming pool in an area surrounded by wetlands.
- B. The Commission considered processing the application administratively, but in the end decided to go through the formal permit process as submitted.
- C. There is a 48 inch concrete (not shown on the plan) that traverses the property and outlets at the north end.
- D. The proposed activity would not be over the pipe and therefore, would not result in any impact.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2008-4 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general discussion by Commission members (listen to audio tape for details).

The discussion resulted in the addition of Condition “c.” (add the 48 inch concrete pipe and easement onto the plan).

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2008-4 and subject to conditions. Motion was seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or “Official Notification of Action” for conditions of the permit.

ITEM VI D

Draft Application Form

Mr. Ferraro entered the following remarks into the record:

- A. The Commission (at the request of the Chairman) is considering the revision of the existing application form into a more streamlined format. The format under review is a one page form.
- B. The one page form under review in his opinion would not be user friendly.

There was a general discussion dealing with why it is being done, what is trying to be accomplished and the configuration of the end product (listen to audio tape for details).

Alternate Zelek asked what model, if any, is being followed? Chairman Block responded the existing application form.

NOTE: Alternate Zelek left the meeting at 7:57p.m.

Motion made by Commissioner Shapiro to table the item over to the June meeting and was seconded by Alternate Turgeon. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

- A. Mr. Ferraro reported that he brought to the attention of the staff person to the Charter Revision Commission the questions raised at last month's meeting. A date and time would be set for him to appear before the Commission.
- B. Mr. Ferraro reported that the stacking (pile) of fire wood at the end of Styles Avenue reported to the Commission last month was referred to the Health Department for possible rodent infestation. He also contacted Darcy Winter at DEP who said the buffer area falls under the local jurisdiction. DEP has no guidance on this matter. Alternate Harlow noted this (stacking of fire wood) is an activity. Chairman Block noted that only an agricultural use is non-regulated. Does this activity fall under this category? It would be the Commission's call. There was a general discussion (listen to audio tape for details). At the conclusion of the discussion, it was agreed that Commission members would visit the site and the item would be placed on the June meeting agenda.

Motion made by Commissioner Shapiro to adjourn meeting at 8:06 p.m. and was seconded by Alternate Turgeon. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)